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Via Electronic Mail

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Re: General Electric Company's Response to "Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604(e), relating to the San German Groundwater Contamination Site, San German, Puerto Rico"

Dear Messrs. Guzman and Bosque:

General Electric Company ("GE") submits this Response (the "Response") to the above-referenced Request for Information ("Request") dated February 12, 2020 from the United States Environmental Protection Agency ("EPA") concerning the San German Groundwater Contamination Site in San German, Puerto Rico (the "Site"). GE appreciates EPA's courtesy in extending the due date for submission of this Response to April 15, 2020. In addition to the narrative responses below, GE is also producing herewith a link to a ShareFile site containing responsive documents, Bates numbered GE_SG000001- 001547, for EPA to download electronically.

Preliminary Statement

The Request was directed to GE and notes that EPA records indicate that GE Industrial of PR, LLC ("GE Industrial"), Caribe GE Distribution Components, Inc. ("Caribe Distribution") and/or Caribe General Electric Products, Inc. ("Caribe Products") operated a distribution components facility located in the Retiro Industrial Park in San German, Puerto Rico (defined as the "Facility" in the Request) and that Retiro Industrial Park is included within the San German Groundwater Contamination Site. The Request defines "Site" as "the San German Groundwater Contamination Site,



including a contaminated plume of groundwater originating at the Retiro Industrial Park and its surrounding areas and the sources thereof.” The Record of Decision (“ROD”) issued by EPA for the Site in September 2019 (OU-2) describes the selected remedy and explains the factual and legal basis for the selection. The ROD discusses the Site investigations undertaken since 2001, including potential source area investigations in Retiro Industrial Park in 2012, and states that two facilities, Wallace and CCL Label, have been identified as sources of the groundwater contamination. The Facility that is the subject of the Request was included in EPA’s 2012 investigation and was not found to be a source of any groundwater contamination. As such, it is unclear why EPA has sent this Request to GE regarding the Facility. Nonetheless, GE is providing this Response in an effort to cooperate with EPA, without admitting or acknowledging any liability or responsibility on the part of GE regarding the Site. Further, in providing this Response, GE neither admits nor concedes any successor and/or parent liability relating to GE Industrial, Caribe Distribution, Caribe Products or any of its predecessors or affiliates, and GE reserves any and all rights to contest that GE is liable for any liabilities of those entities, or any other legal entity, relating to the Site.

In responding to the Request, GE has undertaken a thorough investigation designed to identify available existing documents and/or other information in its possession, custody or control. However, GE’s access to information (relevant documents, knowledgeable employees, etc.) has been limited given that the Facility was closed almost three years ago in 2017 and many of the Requests concern operations and events that occurred over a period dating back to 1969, over 50 years ago. The Facility closure, coupled with the passage of time, has made it particularly difficult to track down responsive information. GE has nevertheless endeavored to respond to the Request to the extent reasonably possible. Among other things, GE has searched historic records, conducted file reviews, retrieved available documents from storage, and reached out to current and former employees for information and documents.

As part of its efforts, GE reached out to ABB Verwaltungs Ltd (“ABB”) and requested its assistance in searching for available documents and information related to the Facility. GE entered into an agreement with ABB on September 24, 2017 for the sale of all equity interests and certain assets and liabilities of the Industrial Solutions business that was engaged in the manufacture of electrical products at various facilities in Puerto Rico. See GE Industrial’s 2018 Financial Statement attached to this Response. Although, the former Facility at San German had been closed prior to that transaction, and thus was not transferred to ABB, GE reached out to ABB, nonetheless, to inquire whether any relevant records pertaining to the San German Facility may have been transferred to ABB. Although GE maintains certain access rights to documents and other information relating to facilities acquired by ABB, such rights are limited and require the coordination and reasonable cooperation of ABB. Initial discussions with ABB led GE to believe that ABB may have found some documents related to the Facility and GE requested that ABB forward those documents to it for review. However, to date, we have not received the documents from ABB and have had no response to follow-up emails and phone calls in the past few weeks. Given the current COVID-19 pandemic and related



stay-at-home orders, it is possible that the ABB personnel are currently unable to access messages or to respond.

GE has found some limited historic information in its own files regarding the Facility, which was collected as part of its final lease close-out activities. In 2015, GE Industrial retained Arcadis, an environmental consulting firm, to perform an initial Phase I Environmental Site Assessment (“Phase I”) of the Facility to identify and document environmental conditions at that time (the “2015 Phase I Report”). Subsequent to the cessation of manufacturing operations and completion of close-out activities, Arcadis performed another Phase I, in 2017, to provide an updated report on final conditions at the Facility, which was entitled Revised Phase I Environmental Site Assessment (the “2017 Phase I Report”). Arcadis visited the Facility several times as part of its environmental assessment activities and interviewed Mr. Luis Loperena, Environmental Health and Safety Manager. These two Phase I reports (collectively, the “Phase I Reports”) provide information responsive to many of the questions in the Request regarding historical operations and have been relied upon extensively in responding to the individual questions in the Request. Copies of the Phase I Reports are being provided to EPA in full and are attached to this Response.

The information in this letter and its attachments is being provided in an effort to cooperate with EPA, without admitting or acknowledging that EPA has the authority to require production of the information requested, or that the statutory authority asserted in the Request is applicable. Additionally, nothing in this Response should be construed as an admission of any liability or responsibility on the part of GE regarding any costs incurred by EPA or any other party relating to the Site. GE reserves all defenses and rights available to it under the law. GE also reserves all rights to supplement and/or revise its objections and responses to the Request. Finally, in providing its Response, GE neither admits nor concedes any of the alleged facts, descriptions or characterizations of events set forth in the Request.

General Objections

GE asserts the following General Objections to the Request, which General Objections are hereby incorporated in each and every response of GE to questions No. 1 through 33. To the extent GE responds to questions to which it objects, such objections are not waived by the furnishing or provision of information. Each objection asserted by GE to “a question” in the Request shall mean and include objection to the question and all of its subparts without having to specify and reiterate “and its subparts” in each instance.

1. GE objects to the Request to the extent the Request exceeds the scope of EPA’s authority under the statutory references cited in the Request.

2. GE objects to the Request as overly broad and unduly burdensome. The Request seeks information that is irrelevant and/or has no relevance to the Site or this



inquiry. GE objects to the Request because the Facility operated between 1969 and 2017, yet the Request is not limited to any specific time frame. Further, GE objects to the Request because the Request seeks information regarding activities that took place decades ago at a former facility, now closed, and in a level of detail that is impossible to provide without extreme burden and oppression, if at all.

3. GE objects to the Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, and any other legally cognizable privilege or protection against disclosure. GE further objects to the Request to the extent it dictates the manner in which those privileges or protections are to be asserted.

4. GE objects to the Request to the extent that it seeks information in the possession, custody, or control of EPA, or any other local, state, or federal governmental authority. GE further objects to the Request to the extent that it seeks information that is a matter of public record.

5. GE objects to the Request to the extent that it seeks information outside of GE's possession, custody or control.

6. GE objects to the Request to the extent that it calls for a legal conclusion.

7. GE specifically objects to the definition and use of the term "Company," which includes General Electric Company and its "predecessors and successors, as they were or currently are named and constituted, all subsidiaries, divisions, affiliates, and branches including GE Industrial of Puerto Rico, LLC, Caribe General Electric Products Inc., and Caribe GE Distribution Components, Inc." GE was formed in 1892 and has been operating for well over a hundred years in many regions of the world. As such, GE objects to the Request to the extent that it seeks information which is irrelevant, calls for legal conclusions about corporate relationships, or is overbroad or vague. However, in an effort to cooperate with EPA, without waving its objections, GE is providing all available responsive information in its possession, custody or control concerning GE Industrial, Caribe Products, and Caribe Distribution and entities that may have affiliated with them in relation to the Facility. In so doing, however, GE neither admits nor concedes any liability on the part of GE or the other entities and reserves the right to contest any legal conclusion as to whether any entity is in fact the legal predecessor or successor to, or is otherwise liable for the activities of, the operators of the Facility identified in the Request.

Responses to Request for Information

1. Answer the following questions regarding General Electric Company:

- a. State the correct legal name and mailing address for the Company;**



- b. State the name(s) and address(es) of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of the Company;**
- c. Identify the state/commonwealth and date of incorporation of the Company and the name of its agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different; and**
- d. Identify any successor corporations, predecessor corporations, or other entities related to the Company. If the Company is or was a subsidiary or affiliate of another corporation or other entity, identify each of those other entities' Chief Executive Officers, Presidents, and Chairpersons of the Board. Identify the state/commonwealth of incorporation and agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different, for each entity identified in your response to this question.**

GE objects to this question to the extent it seeks information concerning the officers and directors of General Electric Company or any legal entity, which is irrelevant. GE also objects to this question to the extent it calls for a legal conclusion regarding whether an entity is a successor or predecessor corporation. In addition, GE objects to this question as overbroad and vague to the extent it seeks information regarding “other entities related to” the Company or “affiliate[s]” of the Company. Further, GE objects to this question as overbroad and vague in its use of the term “Company” since the definition in the Request of “Company” means a number of different companies, including GE Industrial, Caribe Products, and Caribe Distribution. GE also objects to this question as overbroad and vague as the definition of “Company” has no particular connection to the Facility and includes the undefined term “affiliate.” Subject to its objections, GE provides the following response.

General Electric Company was incorporated in New York on April 15, 1892, as the successor to various businesses organized by Thomas A. Edison. General Electric Company is a publicly-traded corporation and its principal executive office, where service of process is accepted on behalf of the company is as follows: Vice President, Litigation, General Electric Company, 5 Necco Street, Boston, MA 02210. GE’s registered agent in Puerto Rico is CT Corporation System, P.O. Box 9022946, San Juan, PR 00902-2946, having a street address of 361 San Francisco Street, San Juan, PR 00091. Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 2, 3, 4, and 5.

- 2. Describe the current and past business relationship between General Electric Company and each of the following:**
 - a. GE Industrial of Puerto Rico LLC;**
 - b. Caribe General Electric Products, Inc.; and**
 - c. Caribe GE Distribution Components, Inc.**



GE objects to this question as overbroad and vague and subject to multiple interpretations to the extent it uses the phrase “business relationship.” GE will interpret “business relationship” to mean “parent-subsidiary” relationship or “predecessor-successor” relationship. GE also objects to this question to the extent it calls for a legal conclusion regarding whether an entity is a successor or predecessor corporation. Subject to its objections, GE provides the following response.

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 1, 3, 4, 5 and 6.

GE owned 100% of the stock of Caribe Products until Caribe Products was merged into Rainbow in 2001. GE Industrial is 100% indirectly owned by General Electric Company.

- 3. State the corporate history of GE Industrial of Puerto Rico LLC, including all name changes and mergers. List all names under which GE Industrial of Puerto Rico LLC has operated and has been incorporated. For each other name, provide the following information:**
- a. Whether that other company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;**
 - b. Names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and**
 - c. Names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of that other company.**

GE objects to this question as vague and subject to multiple interpretations to the extent it uses the phrase “corporate history.” GE will interpret “corporate history” to mean name changes and mergers. GE also objects to this question to the extent it seeks information concerning the officers and directors of GE Industrial or any other legal entity, which is irrelevant. Subject to its objections, GE provides the following response.

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 1, 2, 4, and 5.

GE Industrial continues to exist and its registered agent is CT Corporation System, P.O. Box 9022946, San Juan, PR 00902-2946, having a street address of 361 San Francisco Street, San Juan, PR 00091, as noted on the Government of Puerto Rico Registry of Corporations and Entities website. GE Industrial is 100% indirectly owned by General Electric Company. GE Industrial does not have any subsidiaries.



- 4. State the corporate history of Caribe General Electric Products, Inc., including all name changes and mergers. List all names under which Caribe General Electric Products, Inc. has operated and has been incorporated. For each other name, provide the following information:**
 - a. Whether that other company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;**
 - b. Names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and**
 - c. Names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of that other company.**

GE objects to this question as vague and subject to multiple interpretations to the extent it uses the phrase “corporate history.” GE will interpret “corporate history” to mean name changes and mergers. GE also objects to this question to the extent it seeks information concerning the officers and directors of Caribe Products or any other legal entity, which is irrelevant. Subject to its objections, GE provides the following response.

Subject to its objections, GE refers to and incorporates by reference its responses to questions Nos. 1, 2, 3, and 5.

Caribe General Electric Products, Inc. (“Caribe Products”) was incorporated in Delaware on June 1, 1966 under the name General Electric Pilot Devices, Inc. General Electric Pilot Devices, Inc. changed its name to Caribe General Electric Products, Inc. on August 27, 1984 as the surviving company in a merger of Caribe Products and multiple affiliated companies, including among others, General Electric Circuit Breakers, Inc. and General Electric Protective Devices, Inc., pursuant to an Agreement and Plan of Merger dated August 1, 1984, a copy of which is attached to this Response (the “1984 Merger Agreement”). A copy of the 1984 Certificate of Merger is also attached to this Response. See also the Ruling Request discussed below which is attached to this Response. On December 31, 2001, Caribe Products merged into NBC-Rainbow Holding LLC (“Rainbow”), a California entity, pursuant to an Agreement and Plan of Merger and Reorganization, dated December 20, 2001 (the “2001 Merger Agreement”). A copy of the 2001 Merger Agreement is attached to this Response. Under the 2001 Merger Agreement, Caribe Products merged with and into Rainbow and the separate existence of Caribe Products ceased. However, substantially all of the assets and liabilities constituting Caribe Products were then transferred by Rainbow to another entity, GEA Caribbean Export, LLC, a Delaware entity, pursuant to a Contribution Agreement dated December 31, 2001 (the “Contribution Agreement”). A copy of the Contribution Agreement is attached to this Response. As the non-surviving entity under the 2001 Merger Agreement, Caribe Products is no longer a valid and existing legal entity, and therefore, does not have a mailing address or agent for service of process.



A corporate reorganization of the operations of Caribe Products occurred in 1993. Specifically, Caribe Products transferred substantially all of its operating assets and liabilities to Caribe GE Group, Inc. (“Caribe GE Group”), a Delaware entity. Immediately thereafter, Caribe GE Group transferred said assets to various U.S. corporations in exchange for their common stock and the assumption of related liabilities. In 1993, Caribe Products had 13 business units, each with its own operating and financial management and responsibility. The business unit responsible for the San German Facility was called Distribution Components. As part of the 1993 reorganization, Caribe GE Distribution Components, Inc. (“Caribe Distribution”), a Delaware entity, was formed as a subsidiary of Caribe GE Group and was incorporated in Delaware on December 8, 1993. Caribe Distribution was the transferee of substantially all the assets and liabilities of the Distribution Components business unit previously transferred from Caribe Products to Caribe GE Group. A copy of a request for ruling submitted by Caribe Products to the Internal Revenue Service in 1993 describing the reorganization is attached to this Response (the “Ruling Request”). According to the Ruling Request, all shares of Caribe Products voting common stock outstanding were held by General Electric Company.

As of April 23, 2001, pursuant to a Certificate of Merger, Caribe Distribution merged into Caribe GE International Electric Meters Corp. (“Caribe Meters”), a Puerto Rico entity which was incorporated on December 15, 1995. A copy of that 2001 Certificate of Merger is attached to this Response. Caribe Meters was the surviving corporation. As the non-surviving entity under the merger agreement, Caribe Distribution is no longer a valid and existing legal entity and, therefore, does not have a mailing address or agent for service of process.

On November 23, 2004, Caribe Meters changed its name to Caribe GE International of Puerto Rico, Inc., as reflected on the webpage of the Puerto Rico Department of State Registry of Corporations and Entities, a publicly-available resource. Caribe GE International of Puerto Rico, Inc. is currently a wholly-owned subsidiary of General Electric Company.

GE Industrial of PR LLC (“GE Industrial”) was organized on November 6, 2006 under the laws of Puerto Rico as a limited liability company. A copy of its Certificate of Organization is attached to this Response. GE Industrial still exists. Up until March 22, 2013, GE Industrial was owned by Caribe GE International of Puerto Rico, Inc. and Caribe GE Manufacturing, LLC, both of which were ultimately owned by General Electric Company.

On April 30, 2008, Caribe GE International of Puerto Rico, Inc. contributed assets and business operations, including the lease and operations for the San German Facility, to its subsidiary, GE Industrial. On March 22, 2013, Caribe GE International of Puerto Rico, Inc. purchased the common stock owned by Caribe GE Manufacturing, LLC and became the sole owner of GE Industrial. GE Industrial was engaged in manufacturing of electrical products at a number of plants located in Puerto Rico until 2018 when it sold its



Industrial Solutions business assets and liabilities to ABB, as discussed above in the Preliminary Statement. As noted above, the San German Facility was closed in 2017 and, therefore, was not transferred to ABB.

- 5. State the corporate history of Caribe GE Distribution Components, Inc., including all name changes and mergers. List all names under which Caribe GE Distribution Components, Inc. has operated and has been incorporated. For each other name, provide the following information:**
- a. Whether that other company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;**
 - b. Names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and**
 - c. Names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of that other company.**

GE objects to this question as vague and subject to multiple interpretations to the extent it uses the phrase “corporate history.” GE will interpret “corporate history” to mean name changes and mergers. GE also objects to this question to the extent it seeks information concerning the officers and directors of Caribe Distribution or any other legal entity, which is irrelevant. Subject to its objections, GE provides the following response

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 1, 2, 3, and 4.

As the non-surviving entity in the 2001 merger with Caribe Meters, Caribe Distribution is no longer a valid and existing legal entity and, therefore, does not have a mailing address or agent for service of process.

- 6. Indicate whether General Electric Company is the successor to any liabilities, including those under CERCLA, of each of the following:**
- a. GE Industrial of Puerto Rico LLC;**
 - b. Caribe General Electric Products, Inc.; and**
 - c. Caribe GE Distribution Components, Inc.**

GE objects to this question because it calls for legal conclusions. Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 1, 2, 3, 4, and 5.

- 7. State the dates during which the Company owned, operated, or leased any portion of the Facility, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.**



GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests copies of “all documents” evidencing or relating to “ownership, operation or lease” of a facility that was closed almost three years ago and that had previously operated for almost half a century. Attempting to identify and provide every document pertaining to operation over the course of almost half a century would be effectively impossible. Subject to and without waiving any of its objections, GE responds as follows:

GE Industrial, formerly Caribe Products, leased the Facility from the property owner, Puerto Rico Industrial Development Co. (“PRIDCO”), between December 1969 and April 2017 for the manufacture of circuit breakers. The leased premises were included within a master lease executed with PRIDCO covering multiple properties across Puerto Rico (the “Master Lease”). A copy of the most recent Master Lease, dated December 26, 2007, is attached to this Response. In addition, attached to this Response are copies of the Eighth Amendment to the Master Lease, executed in 2015 (the “8th Amendment to Lease”) and the Ninth Amendment to the Master Lease, executed in 2017 (the “9th Amendment to Lease”), each of which address removal of the San German property from the Master Lease (lease documents pertaining to the Facility, collectively, the “Lease”). The 9th Amendment to Lease attaches a memo from PRIDCO’s Environmental Division regarding its review of the site history and condition of the property leased by GE Industrial (the “PRIDCO Memo”). After reasonable investigation of available records, no other leases for the Facility have been found, but a summary abstract of a 2002 lease has been found and is also attached to this Response. GE would expect that PRIDCO may have copies of the historic property leases and that EPA could obtain them from PRIDCO if needed. The following information is provided based upon the Lease and the Phase I Reports.

The Facility was located in Retiro Industrial Park and grew to up to three buildings over time, with several additional small roofed structures/sheds outside the buildings. According to the Lease, at its largest, the leased property included the following buildings and lots owned by PRIDCO:

Building	Property/Project ID or Lot #	Size
1	T-0753-0-66, 1-89	24,980.77 sq. ft
2	T-0497-0-58-00, 1-85	50,799.17 sq. ft.
3	T-0881-0-67	11,637.67 sq. ft
-	L-049-0-55-10-0	6,288.63 sq. M

For reference, the building numbers noted in the tables above and below are those used in the site layout map (Figure 2) of the 2015 Phase I Report and the lot numbers are derived from the figure attached to the PRIDCO Memo. According the Phase I Reports, the initial lease and operation of the Facility began on December 28, 1969 in one building, with a second building constructed in 1982, and a third building added to the complex after 1989. According to the 2017 Phase I Report, historical aerial photos



indicate that an extension was added to Building 2 at some time prior to 1992. According to information in the PRIDCO Memo and the Lease, it appears that GE entities leased the following properties during the following periods:

Bldg #	Property/Lot #	Begin	End
1	T-0753-0-66	12-28-1969	4-1-2017
1	T-0753-1-89 (Ext)	1985	4-1-2017
2	T-0497-0-58	2-7-1984	4-1-2017
2	T-0497-1-85 (Ext)	2-7-1984	4-1-2017
3	T-0881-0-67	Not Available	10-22-15 (Partial) Jan. 2016 (Complete)
-	L-049-0-55-10-0	No Ref.	4-1-2017

According to the Phase I Reports, GE Industrial ceased manufacturing operations in Building 1 in December 2016 and in Building 2 in February 2017. As GE Industrial was in the process of ceasing its operations, Pace Analytical, Inc. ("Pace"), the tenant on a neighboring parcel sought to expand its operations in space leased by GE Industrial. By way of the 8th Amendment to Lease, PRIDCO removed from the Master Lease a portion of Building 3 (5,919.13 sq. ft) and leased it to Pace as of October 22, 2015. The remainder of Building 3 was removed from the Master Lease in January 2016 and PRIDCO subsequently leased the entirety of Building 3 to Pace. A copy of the lease between PRIDCO and Pace, effective November 1, 2015, is attached to this Response. According to the 9th Amendment to Lease, the remainder of the Facility was removed from the Master Lease and returned to PRIDCO custody effective April 1, 2017. As evidenced by the 2017 Phase I Report, lease exit activities continued through May 2017.

8. Identify by building, lot, or project number each location within the Retiro Industrial Park where the Company ever operated or otherwise conducted business. If available, provide a map of the Facility and identify the building, lot, or project number where the Company conducted its operations.

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests specific information regarding "building, lot and project number" for each location where the Company operated in the industrial park given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its response to question No. 7.

9. Describe the condition of the Facility (a) at the time the Company commenced operations at the Facility, and (b) when the Company vacated



the Facility. Provide all available photos and/or documents supporting your response to this request.

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information concerning the condition of the Facility in 1969 at the commencement of operations, which occurred over a half century ago at a facility that has been closed for almost three years. Subject to and without waiving any of its objections, GE responds as follows:

After a reasonable investigation of available records, no documents or photos regarding the condition of the Facility at the time operations commenced in 1969 have been identified. However, the PRIDCO Memo describes the site history and prior tenants at the leased premises and the Phase I Reports contain some historical aerial photos.

As described in the Preliminary Statement of this Response, as part of the lease close-out activities at the Facility, GE Industrial commissioned Arcadis to perform a Phase I to document the Facility site history and environmental conditions at that time. The Phase I work included multiple site visits by Arcadis. Arcadis issued its initial report, the 2015 Phase I report, in July 2015. Subsequent to the cessation of manufacturing operations and completion of lease exit activities, Arcadis performed another Phase I to provide an update on final conditions at the Facility and issued the 2017 Phase I Report on May 25, 2017. Both the 2015 Phase I and the 2017 Phase I, which address the condition of the Facility as of the end of the lease, are incorporated herein by reference. There were no Recognized Environmental Conditions or Controlled Recognized Environmental Conditions identified in the Phase I Reports. In addition, the PRIDCO Memo, which was attached to the 9th Amendment to Lease and addresses the condition of the Facility at the end of the Lease when GE Industrial vacated the property, is also incorporated herein by reference.

10. Before the Company commenced operations at the Facility, indicate whether the Company or any of its agents, officers, or employees entered into any arrangements to investigate the physical and/or environmental conditions at the Facility. If so, please provide copies of all reports, analyses and characterizations relating to the physical and/or environmental conditions at the Facility.

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information regarding any investigation of the physical and/or environmental conditions of the Facility in 1969, which is over a half a century ago and concerns a facility that was closed almost three years ago. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its response to question No. 9.



After a reasonable investigation of available records, no documents were identified to indicate whether the Company or any of its agents, officers, or employees entered into any arrangements to investigate the physical and/or environmental conditions at the Facility before it commenced operations in December 1969.

- 11. Describe in detail the nature of the business, operations, and production processes conducted at the Facility during the period that the Company operated there. Provide a description of the Company's operations at the Facility, including the following:**
- a. The date such operations commenced and concluded;**
 - b. The types of work performed, including but not limited to the industrial, manufacturing, chemical, or institutional processes undertaken at the Facility; and**
 - c. A description of the generation, storage, placement, disposal or treatment of wastes at the Facility by date.**

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests “detailed” information on the business, operations and production processes and on waste generation, storage, placement disposal or treatment “by date” given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 7, 12, 20, and 21.

Information regarding the Facility’s operations and wastes was included in the Phase I Reports, which are incorporated herein by reference. Information from those reports is also provided below.

The Facility manufactured circuit breakers. The operations performed in each of the buildings was described in the Phase I Reports. Building 1 was used for the manufacturing of the power breakers and operations included molding plastic and metal parts. Building 2 was used for the assembly of power breaker components and operations there included welding iron and copper metals to make subassemblage (Trip Units), assemblage of plastic parts together with welded trip units, and calibrations and packing for final distribution. Building 3 was used as a storage warehouse for raw materials and supplies. Figures showing the layout of each of the three buildings and of the Facility as a whole are set forth in the 2015 Phase I Report.

According to the Phase I Reports, historically, non-hazardous wastes generated at the Facility included scrap metals, used hydraulic oil, absorbent material containing hydraulic oil, paperboard, wood pallets, and domestic wastes. These wastes, except for the domestic wastes, were recycled by different recycling companies including: PBP Waste, IFCO Recycling, Clean Harbors, Inc. and Borinquen Metals. Scrap metals, used



hydraulic oil, used absorbent material and domestic wastes were stored in containers (closed drums, buckets and metal containers) until recycling and waste haulers picked them up. Used oil and absorbent material containing oil wastes were disposed of by Chacon Environmental Oil Cleaning, Inc. Upon information and belief, the Facility may also have generated scrap plastic from the molding operations.

According to the 2015 Phase I Report, most fluorescent light bulbs were replaced with LED lighting throughout the three buildings since 2010, however, several fluorescent light bulbs were observed in use in Building 2. Light bulb disposal was managed as hazardous waste and picked up by Clean Harbors, Inc.

A Resource Conservation and Recovery Act ("RCRA") Ready for Anticipated Use Documentation Form issued in 2011 (the "RAU") states that wastes generated at the Facility, as listed on a January 22, 1988 RCRA revised Part A Permit Application, included 275 gallons of D001 waste, process code S01 (container) and that the original Part A Permit Application, dated November 19, 1980, also listed 125 pounds of F001 wastes, process code S01 (container), and 800 pounds of F017 wastes, process code S01. The 2017 Phase I Report also identified the hazardous wastes historically generated at the Facility as D001, F001 and F017 wastes. The Phase I Reports attach an EDR report from 2105 that also identifies D002 waste generated in 1980. To date, GE has not been able to find any copies of the RCRA permit application or associated waste documents.

The non-hazardous and hazardous wastes generated at the Facility were stored in an area located outside at the northwest end of Building 1 as shown on the Site Layout Map (Figure 2) in the 2015 Phase I Report. The storage area had a concrete floor and sheet metal roof and was diked. The 2015 Phase I Report also notes that a floor sump was present along the east side of that waste storage area for spill containment in case of a release. At the time of the 2015 Phase I site visit, the containment dike was observed to have approximately 10 inches of depth and was free of debris, with no visible staining. The storage area contained drums of used hydraulic oil and absorbent materials and containers of glue residues.

The 2015 Phase I Report also noted the existence of a drum storage location to the north of Building 1, which had a floor sump to contain spills in case of a release. At the time of the 2015 site visit, there were drums of hydraulic oil present and the sump was free of debris with not visible staining.

Based upon the 2017 Phase I Report and the RAU, the following events occurred at the Facility with respect to RCRA permitting and Corrective Action.

- The Facility submitted a Notification of Hazardous Waste Activity to EPA on August 20, 1980, with revisions on June 22, 1983, August 13, 1985 and March 25, 1986. The Part A Permit Application was received by EPA on November 19, 1980 and acknowledged on January 15, 1981. On



November 3, 1981, a full RCRA Treatment, Storage and Disposal (“TSD”) Inspection was performed and the Facility was found to be in compliance. Additional full RCRA TSD Inspections were performed from 1983 through 1989. On November 3, 1989, the Puerto Rico Environmental Quality Board (“PREQB”) Declassification Approval was granted to change status from a Generator, Transporter and TSD facility to a Generator and TSD Facility.

- A Closure Plan for the Hazardous Wastes Container Storage Area was submitted on January 10, 1988 and revised September 19, 1988, and the completeness determination was made on September 27, 1988.
- A RCRA Facility Assessment (“RFA”) was completed by the PREQB in September 1989. The RFA identified one Solid Waste Management Unit (“SWMU”), the Hazardous Waste Container Storage Area (“SMWU 1”), and one Area of Concern (“AOC”), the Raw Material Storage Area (“AOC 1”) located west of Building 1.

SWMU 1 consisted of a shed, with a concrete floor and sheet metal roof, located outside and at the northwest end of Building 1. The area was diked and had been used since 1981 for storage of mixed solvents, used oils, paint sludge and corrosive waste in 55-gallon steel drums. One release was observed in the SWMU during an PREQB TSD inspection performed on June 12, 1986 in which “a small spill in the floor under a small tank containing a corrosive solution” which “seemed to come from the tank’s leaking valve” was observed. No evidence of a release was observed during the site inspection in 1988. This SWMU 1 was closed in 1994 upon the approval of the PREQB and EPA. No releases of hazardous waste/constituents were ever reported.

AOC 1 consisted of a 3-level metal rack, located outside Building 1 at the northwest end near SWMU 1. The area had a metal roof, concrete floor and dike surrounding it. The AOC stored raw material mainly in 55-gallon drums. No releases associated with the AOC were reported or observed.

The RFA concluded that the probability of any hazardous waste from either SWMU 1 or AOC 1 reaching soil and groundwater was low. The RFA recommended no further action for SWMU 1 and AOC 1 and EPA concurred with this recommendation.

- In December 1991, the Facility was assigned a low priority by EPA under the Corrective Action program.



- As part of closure activities at SWMU 1, the concrete slab was sampled and results were either non-detect or met closure plan cleanup criteria. PREQB and EPA determined the Closure Certification as complete on August 23, 1994.
- On September 9, 2010, EPA granted a “Determination of Remedy Decision” (CA400) and a “Determination of Remedy Construction” (CA550), which determined that the selected remedy of clean closure and confirmatory sampling of the unit concerned had already been implemented and, therefore, no remedy construction was necessary on the unit of concern (SWMU 1). The RAU was issued on October 11, 2011 and concluded that it is not anticipated that any environmental media were impacted by SWMU 1 based on the clean closure determination and the no further action recommendation of the RFA.
- According to the EDR Report dated April 2015, the Corrective Action process was terminated in 2010 with no further action needed. The 2011 RAU indicated that all final cleanup goals in the remedy selection document or other decision document(s) that may affect current and reasonably anticipated future land uses have been achieved. All acres of land covered by the RAU meet the requirements for unrestricted use for all media and no institutional controls are necessary.
- A copy of the RAU and the CA550 and other referenced documents are included in the 2017 Phase I Report, which is incorporated by reference and attached to this Response. A copy of the CA400 is also attached to this Response. In addition, a copy of the Caribe Products, Inc. San German, P.R. Container Storage Unit Confirmation Sampling Work Plan & Quality Assurance Plan, dated April 1992, is also attached to this Response.

Sanitary sewage from the Facility was discharged into the Puerto Rico Aqueduct and Sewer Authority (“PRASA”) system. Upon information and belief, the Facility had historically discharged industrial process wastewater to PRASA as well, but in the early 1990’s converted to a zero-discharge facility through the use of a system employing oil/water separation and water evaporators.

12. If there were any changes in the nature of the Company's business and/or the production processes at the Facility, explain the changes and the dates of such changes.

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information concerning any changes in business operations and/or production processes at the Facility dating back over 50 years. Attempting to



identify specific changes that took place over the course of the last half-century, at a Facility that was closed almost three years ago, is impossible to provide without extreme burden, if at all. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 4, 7, and 11.

In addition, the 2017 Phase I Report provides the following information regarding changes in RCRA hazardous waste generator status over time. Historically, the facility was classified as a Small Quantity Generator (“SQG”), except year 2006 as a Conditionally Exempt Small Quantity Generator (“CESQG”), Large Quantity Generator (“LQG”) in 1990 and 1992 and non-generator in 1990 and 1999. As of 2015, the facility was classified as a SQG. Wastes generated at the facility included D001, F001 and D017 wastes.

- 13. During the time that the Company operated at the Facility, please provide lists for:**
- a. All chemicals that were used at the Facility. Provide the quantity for each chemical that was used on a yearly basis. Relate the use of these chemicals to the manufacturing process;**
 - b. All chemicals and wastes that were generated at the Facility. Provide the quantity of each waste that was generated on a yearly basis; and**
 - c. All chemicals and wastes that were stored at the Facility, the method of storage (e.g., drums, tanks, etc.), and the location of storage.**

GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it requests a listing of all chemicals ever used at the Facility and all wastes/chemicals generated, without limitation by type of substance and regardless of whether the chemicals or wastes may be relevant to the Site, the subject of the Request. GE also specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information concerning all chemicals and wastes ever generated or stored at the Facility (and quantity of each waste) given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 11, 12, and 20.

The 2015 Phase I Report states that the Facility had been classified as a major source of hazardous air pollutants due to air emissions of Styrene and operated under a PREQB Title V Permit. It noted that the Facility also emitted minor quantities of Phenol via two emission units located in Building 1 and that both Styrene and Phenol were generated during the molding process. A copy of the Title V permit is included in the 2015 Phase I Report. The 2015 Phase I Report also noted that according to the EPA



Toxic Release Inventory website, the Facility was listed as a source of copper and styrene through air emissions.

The Final Remedial Investigation Report for the San German Groundwater Contamination Site, dated July 24, 2011, prepared by CDM Federal Programs Corporation for EPA (the "RI Report") contains a "Potential Source Area Inspection Technical Memo" at Appendix C (Memorandum to File from Brendan MacDonald, Michael Valentino and Jose Reyes of CDM, dated December 19, 2011) documenting EPA's work to identify potential sources of VOC groundwater contamination at the Site (the "2011 CDM/EPA Memo"). The 2011 CDM/EPA Memo addresses EPA's investigation of various properties in proximity to the Site, including the Facility, and indicates on page 5 that the "chemicals used onsite" at the GE facility are set forth in Appendix A. We do not have a copy of that Appendix A and it is not included in the RI Report posted on EPA's website for the Site. However, we assume that it is attached to the original version in EPA's files and that EPA could find additional information regarding chemicals used at the Facility by reference to that 2011 CDM/EPA Memo. We request that, if EPA does have a copy of that Appendix A, that a copy of it be provided to us. We have attached to this Response a copy of the 2011 CDM/EPA Memo from the RI Report.

Upon information and belief, Facility operations over the years would have included the use of oils and coolants, solvents, and molding compounds, as described below. Oils and coolants, which were used in the molding process, came in drums and would have been stored at the north end of Building 1. Perhaps two to three dozen drums may have been present at a time. Following use, the waste oils/coolants were collected in drums and stored in the waste storage area to the east of Building 1. Very small quantities of solvents were used in the hand-cleaning of metal parts in the assembly operations in Building 2. Solvents may have included trichloroethylene ("TCE") prior to the early 1990's, after which time the Facility eliminated the use of chlorinated solvents and replaced them with citrus or alcohol-based (non-chlorinated) degreasers. There was a very small waste storage area in Building 2. As noted above Styrene and Phenol were used in the molding process.

14. If not already provided in response to Request #13, above, list all hazardous substances used, generated, treated, stored, disposed of, manufactured, recycled, recovered, treated, or otherwise processed during the Company's operations at the Facility.

GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it requests a listing of all hazardous substances ever "used, generated, treated, stored, disposed of, manufactured, recycled, recovered, treated, otherwise processed" during the Company's operation at the Facility, without limitation by type of substance and regardless of whether the hazardous substances may be relevant to the Site, the subject of the Request. GE also specifically objects to this question to the extent that it calls for a legal conclusion regarding whether a material or substance



constitutes a “hazardous substance.” GE also specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information concerning “all” hazardous substances given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 11, 12, 13, and 15.

15. List and fully describe all waste streams generated from the Company's operations at the Facility, including solid, liquid, or any other type of waste.

GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it requests a listing of all waste streams generated from the Company's operations regardless whether the waste stream is related to the groundwater contamination identified at the Site, the subject of the Request. GE also specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information on “all” waste streams given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 11, 12, 13, 14, and 20.

16. Describe in detail the handling, storage, and disposal practices employed by the Company for each waste stream resulting from the Company's operations at the Facility.

GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it requests detailed information on the handling, storage, and disposal of “each waste stream” generated from the Company's operations regardless whether the waste stream is related to the groundwater contamination identified at the Site, the subject of the Request. GE also specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information on “each” waste stream given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 11, 12, 13, 14, 15 and 20.

17. For the time that the Company operated at the Facility, explain how any chemical wastes that were generated were disposed of. Summarize in a short narrative the equipment used to treat such waste materials,



**transport such waste materials, or dispose of such waste materials.
Provide manifests or shipping papers to document.**

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests specific information and documentation concerning treatment and disposal of chemical wastes at Facility that was closed almost three years ago and that had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 11, 12, 13, 14, 15, 16 and 20.

18. Indicate whether effluent and/or waste from the Company's operations were ever discharged to a drainage ditch or pipe at the Facility. If available, provide a map of the drainage system at the Facility.

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information concerning any discharges that may have occurred over a period dating back over 50 years. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its response to question No. 11.

GE is not aware of, and has found no information regarding, any discharge to a drainage ditch or pipe at the Facility other than discharges to the PRASA system (see response to question No. 11 above) and stormwater drainage. According to the 2015 Phase I Report, two stormwater drainage ditches were located between Building 1 and the parking lot. The water from the ditches discharged to a nearby creek at the northwest end of the Facility, which reportedly flowed toward Guanjibo River. These drainage ditches also received stormwater water from the area west of Building 2 (between Buildings 2 and 3). Facility personnel reportedly noted to Arcadis “that running water observed in the drainage ditches corresponds to a channelized creek deviated underground, which eventually emerged to the surface and into the ditches.” A description of the stormwater drainage system is set forth in the 2015 Phase I Report, which is incorporated herein by reference and attached to this Response.

19. Indicate whether the Company stored or stockpiled any industrial wastes at the Facility. Indicate whether any of the Company's agents, representatives, officers or employees entered into arrangements of any kind relating to the treatment, storage, or disposal of industrial wastes. If so, explain all such arrangements, with whom they were made, the chemical names, the volumes of the industrial wastes, and the time period such arrangements were in effect. Provide copies of all documents that are relevant to your response to this request.



GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it requests a listing of all wastes ever stockpiled or stored at the Facility regardless whether the waste is related to the groundwater contamination identified at the Site, the subject of the Request. GE also specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information on “all” wastes ever stockpiled or stored given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its responses to question Nos. 11, 12, 13, 14, 15, 16, 17 and 20.

Upon information and belief, GE is not aware of any stockpiling of wastes at the Facility. The Facility, however, did store wastes as described in the Phase I Reports and other sections of this Response. The 2015 Phase I Report depicts on the Site Layout Map a “Hazardous and Non-Hazardous Waste Storage Area” located outside and to the west of Building 1 and depicts on the Building 1 Layout Map a “Hydraulic Drum Storage” area. Also, upon information and belief, the Facility may have reused molding material (plastic scrap) where feasible, but GE is not aware of any stockpiling of material.

- 20. Indicate whether the Company used or installed any underground or aboveground storage tanks at the Facility. If yes, please provide responses to the following and provide all documents relevant to this request:**
- a. Please supply the date when they were installed, their size and material of construction, where they were installed, for what purpose, and what chemicals/wastes were stored in them;**
 - b. Indicate whether any of these tanks were ever removed or ever leaked; and**
 - c. Indicate whether any of the tanks were already present at the Facility prior to the Company's operations.**

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests specific information regarding tanks at the Facility given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

According to the Phase I Reports, three aboveground storage tanks (“ASTs”) for storage of diesel fuel were used at the Facility. Two of the ASTs were located to the west of Building 1 and their volumes were 6,000 gallons and 5,000 gallons, respectively. One 200-gallon day tank was located to the east of Building 2, next to the former electrical emergency generator. Two tanks were contained inside dikes and the larger tank was double-walled. The use of diesel at the Facility was primarily as fuel for emergency



generators. No visible stains or signs of release were observed around any of the ASTs during the Phase I site visit in 2015 and all three ASTs were removed prior to the 2017 Phase I site visit on April 27, 2017.

Upon information and belief, there were no underground storage tanks ("USTs") at the Facility.

According to a Letter Report from Arcadis, dated May 11, 2017, regarding Removal of Underground Diesel Piping System at GE San German Facility, Case 16-196 ("Letter Report"), a 3/4-inch double-walled underground diesel fuel supply pipeline that connected the AST west of Building 1 to the emergency generator day tank east of Building 2 suffered a leak and failed an integrity test in September 2016. The pipeline and impacted soils were excavated and removed between January 31 and April 12, 2017. Where screening levels were exceeded, soils beneath the pipeline were removed and disposed of off-site in a landfill. All investigation derived wastes, such as soil cuttings and impacted soil, were placed in a 20-cubic yard lined roll-off container and sent to Ponce Landfill in Ponce, Puerto Rico for disposal. Following the removal work, the excavation trench was backfilled with the top soil and concrete that had been excavated from above the pipeline and with additional clean backfill where needed to bring the ground to grade level. Additional information regarding the pipeline removal and soil sampling results are included in the Letter Report and the 2017 Phase I Report, which are incorporated herein by reference and attached to this Response.

Two water evaporators with attached aboveground holding tanks were present at the Facility, with one located to the north of Building 1 ("Holding Tank #1") and the other located to the west of Building 2 ("Holding Tank #2"). The 2017 Revised Phase I Report notes that Holding Tank #1 had been decontaminated and cleaned between October 2016 and January 2017, but was still present at the Facility during the site visit on April 27, 2017. It notes that Holding Tank #2 was decontaminated, cleaned and removed for disposal between April 21 and April 26, 2017. Secondary containment was observed cleaned and with no visible oil stains. The non-hazardous wastes generated from the cleaning and removal operations included washwaters/rinseates wastes (liquid), sludge waste (solid), and empty container (former holding tank). Those wastes were picked up and disposed on May 24, 2017. The disposal manifest and related documentation are included in the 2017 Phase I Report and its Appendix K.

GE refers to and incorporates by reference the information contained in the Letter Report and the 2017 Phase I Report, which are attached to this Response.

- 21. During the Company's operations at the Facility, describe all leaks, spills, or releases at or from the Facility of materials that were or may have been hazardous, toxic, flammable, reactive, or corrosive, or may have contained hazardous substances, including:**
 - a. The date of each such occurrence;**
 - b. The specific location at the Facility of each such occurrence; and**



- c. The materials that were involved in each such occurrence in terms of the nature, composition, color, smell, and physical state (solid or liquid) of such material.**

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information regarding all leaks, spills or releases at the Facility given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its response to question Nos. 11 and 20.

According to the 2015 Phase I Report, based upon discussions with Facility personnel, around year 2005 hydraulic oil was released from molding machines and flowed into a floor sump in Building 1 along the east side of the building. The Facility retained a contractor who performed a cleanup of the sump. Mitigation of hydraulic oil releases from the molding machinery was achieved by installing metal trays under the machines to catch any releases. No impact from the release was reported outside the building. At the time of the 2015 site visit, material referred to as “antifreeze/coolant” was observed in the metal trays beneath the machines and, in some cases, on the floor with absorbent material to capture it.

- 22. Indicate whether during its operation of the Facility the Company ever conducted any type of water, soil, or sediment sampling at or near the Facility for purposes of identifying whether there had been a release of any chemical(s) to the environment and/or in compliance with or response to any Federal or Commonwealth environmental regulation(s). Provide all reports or analytical data relevant to your response to this request.**

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information regarding whether the Company ever conducted any sampling of water, soil or sediment at or near the Facility given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its response to question Nos. 11 and 20.

- 23. Indicate whether during the Company's operations at the Facility any soils were remediated, excavated, or removed from the Facility. If yes, provide responses to the following:**
- a. Indicate the source of the material that was used to backfill the excavation;**



- b. Provide the vendor location from where the backfill material was obtained and what efforts were taken to determine whether the material was clean; and**
- c. Detail the effort and provide documentation to substantiate your response, including photographs, reports, and analytical data.**

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests information regarding whether during the period of the Company's operation at the Facility any soils were ever "remediated, excavated, or removed" from the Facility given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its response to question Nos. 11 and 20.

- 24. Identify all individuals who had responsibility for the Company's environmental and waste management decisions (e.g., responsibility for decisions regarding the disposal, treatment, storage, recycling, or sale of the Company's hazardous substances, hazardous wastes, and industrial wastes).**
- a. Provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position, and if applicable, the date of the individual's resignation or termination.**
 - b. Provide the nature of the information possessed by each such individual concerning the Company's waste management.**

GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it is not limited by any particular location or time period. GE will interpret it to refer to waste management decisions related to the Facility during the Company's operation. GE also specifically objects to this question as overbroad and unduly because the subject matter concerns matters that occurred decades ago going back to 1969, and because the Facility was closed almost three years ago after having operated for almost half a century, thus making the task of identifying "all individuals" with the level of detail requested in this question effectively impossible. Subject to and without waiving any of its objections, GE responds as follows:

According to information provided by former employees involved in Puerto Rico operations, the Company's decision-making process for waste transport and disposal evolved over time. For some period prior to the early 1990's, individual facilities in Puerto Rico were responsible for selecting their own vendors for off-site transport and disposal of waste. The facility plant managers and engineers typically selected the vendors for their own facility during this time. By the early 1990's, however, all of GE's Puerto Rico facilities had to use the same approved vendor, as selected by corporate



headquarters. Corporate headquarters had a dedicated environmental department that would evaluate options and ensure that the selected vendors were audited and qualified.

By way of further response, among others, the following individuals may have been involved in the Company's environmental and waste management decisions related to the Facility during its period of operation. Where available, dates of employment ("DOE") with the Company are provided, however, the person may not have held the identified position or been associated with the Facility for that entire period.

- Jeff Sommer, EHS leader from 1990-1996 and business operations leader until 2007 who was involved with GE Puerto Rico supply chain operations from approximately 1990 to 2007. He is currently the Supply Chain General Manager for GE Power.
 - DOE: 8/4/1986 – Present
- Luis Loperena, former Environmental Health & Safety ("EHS") Manager
 - The 2015 Phase I Report identifies Loperena as EHS Manager at that time.
 - DOE: 3/18/2015 – 6/1/2016
- Jedelly Claudio Mangual, former EHS Manager
 - Claudio Mangual managed EHS compliance at the Facility during closure activities in 2017. She is currently employed at ABB.
 - DOE: 8/27/2004 – 6/30/2018
- Zilkia Gratacos Dessuss, former Plant Manager
 - Gratacos Dessus was Plant Manager when the Facility closed in 2017 and signed the Consent for Access in August 2011 as Plant Manager.
 - DOE: 4/5/1999 – 9/1/2016
- Roberto Miranda, former EHS Manager
 - A letter from GE Industrial to PRIDCO dated August 10, 2011 advising of EPA's access request is signed by Miranda as EHS Manager.
 - Upon information and belief, he was also at Facility in 1980's and '90's.
 - DOE: 10/30/1996 – 12/30/2011
- Felix Guerra, former Plant Manager
 - Title V permit and RCRA Determination CA400 (in 2015 Phase I Report) identify Guerra as Plant Manager in 2010.
 - DOE: 7/6/1992 – 12/1/2016
- Lilliam Fernandez, former EHS Manager
 - The 2011 CDM/EPA Memo identifies Fernandez as "Environmental Manager" as of September 7, 2011 and an employee since 2006. The 2015 Phase I EDR report lists Fernandez on a 2008 RCRA document.



- DOE: 8/21/2006 – 4/10/2014
 - Amir Lastra, former GE Puerto Rico operations legal counsel.
 - Ms. Lastra was GE's Puerto Rico operations legal counsel starting in 1992. She is currently employed by ABB.
 - DOE: 4/5/1992 – 6/30/2018
 - Eduardo Buso, former General Counsel, Caribe Products.
 - Mr. Buso may have information about operations from the early 1980s.
 - DOE: 11/17/2003 – 12/2/2008
 - Tom Patmore, former Plant Manager
 - DOE: 7/4/1971 – 4/1/2013
 - Miguel Toro, former Technical Service Manager
 - DOE: 3/10/1971 – 10/16/2010
 - Louis O'Halloran, former Plant Manager
 - DOE: 3/11/1991 – 10/1/2019
 - Ricky Gonzalez, former Plant Manager
 - DOE: 9/12/1983 – 11/20/2018
 - Nestor Marques, former EHS Manager
 - Upon information and belief, he was at the Facility in the 1980's.
 - DOE: 5/1/1978 – 9/26/1997
- 25. For each type of hazardous substance, hazardous waste, and industrial waste used or generated by the Company, describe the Company's agreements or other arrangements for its disposal, treatment, storage, recycling, or sale.**

GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it is not limited by any particular location or time period. GE will interpret it to refer to agreements or other arrangements related to the Facility during the Company's operation. GE also specifically objects to this question as overbroad, unduly burdensome and irrelevant to the extent that it seeks detailed information regarding agreements or arrangements pertaining to "each type of hazardous substance, hazardous waste, and industrial waste" regardless whether the substance or waste is relevant to the groundwater contamination at the Site and for a Facility that closed almost three years ago after having operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:



Subject to its objections, GE refers to and incorporates by reference its response to question Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21.

26. Identify any individuals, including former and current employees, who may be knowledgeable of the Company's operations and practices concerning the handling, storage, and disposal of hazardous substances.

GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it is not limited by any particular location or time period. GE will interpret it to refer to operations and practices concerning the handling, storage, and disposal of hazardous substances at the Facility during the Company's operation. GE also specifically objects to this question as overbroad and unduly because the subject matter concerns matters that occurred decades ago going back to 1969, and because the Facility was closed almost three years ago after having operated for almost half a century, thus making the task of identifying "all individuals" who may be knowledgeable effectively impossible. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its response to question No. 24 as the individuals identified in that response may be knowledgeable about the operations and practices concerning the Facility's handling, storage, and disposal of hazardous substances.

27. Please provide all documents, if not already requested above, that support your responses to Requests #1 - #26, above.

GE specifically objects to this question as vague, overbroad and confusing as the word "support" has multiple meanings. GE will interpret "support" to mean "relied on in preparing responses." Subject to and without waiving any of its objections, responsive documents are produced herewith.

28. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. The Company's document retention policy between 1975 and the present;**
- b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;**
- c. A description of the type of information that would have been contained in the documents;**
- d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the**



- destruction of these documents, and the person(s) who had and/or still may have the originals or copies of these documents; and**
- e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.**

GE specifically objects to this question and its subparts as overbroad and unduly burdensome because the Facility was closed almost three years ago after having operated for almost half a century, making it extremely difficult or impossible to find historic records due to the passage of time and making it extremely difficult or impossible for GE to document if, how, or when potentially responsive documents may have been lost.

Subject to and without waiving any of its objections, GE responds that its search for documents and responsive information has not resulted in any additional information as to the reason for any loss of records that may have been responsive to the Request. However, as described in the Preliminary Statement above, GE has reached out to ABB to see if it may have received any records at the time of the 2017 transaction.

- 29. Please provide copies of the Company's financial statements, shareholder's reports, financial audits, or other financial reports showing its assets, profits, liabilities, and financial status for the last five years.**

GE specifically objects to this question as overbroad, unduly burdensome, and irrelevant to the extent that it seeks financial information and reports for the “Company” a term that is expansively defined to include a significant number of companies within the GE family of companies that may have no current or historic connection to the Facility. The Request defines “Company” to mean “General Electric Company and its predecessors and successors, as they were or currently are named and constituted, and all subsidiaries, divisions, affiliates, and branches, including GE Industrial of Puerto Rico LLC, Caribe General Electric Products, Inc. and Caribe GE Distribution Components, Inc.” As noted in the General Objections, GE was formed in 1892 and has been operating all over the world for well over a hundred years. GE also specifically objects to this question as overbroad and vague as the definition of “Company” includes the undefined term “affiliate.” GE also objects to this question to the extent it calls for a legal conclusion regarding whether an entity is a successor or predecessor corporation.

Subject to its objections, GE provides the following response. GE’s most recent annual report and consolidated financial statements are publicly-available and posted on its website at www.ge.com/investor-relations.

GE has attached to this Response the audited financial statements for GE Industrial for the last five years (years 2014 through 2018). GE Industrial previously operated multiple manufacturing plants in Puerto Rico, however, as noted in the 2018 financial statement and earlier in this Response, almost all the plants still in operation in 2018 were sold to ABB. At that time, the San German Facility had already been closed and returned to PRIDCO in 2017.



- 30. List and provide a copy of all agreements or contracts, including but not limited to insurance policies and indemnification agreements, held or entered into by the Company or its parent corporation(s), subsidiary, or subsidiaries that could indemnify it against any liability that it may have under CERCLA for releases or threatened releases of hazardous substances at and from the Facility. In response to this Request, please provide not only those insurance policies and agreements that currently are in effect, but also provide those that were in effect during the period(s) when any hazardous substances, hazardous wastes, and/or industrial wastes may have been released or threatened to be released into the environment at or from the Facility.**

GE specifically objects to this question as overbroad and unduly burdensome to the extent that it requests copies of “all” agreements and contracts given that the Facility was closed almost three years ago and had previously operated for almost half a century. Subject to and without waiving any of its objections, GE responds as follows:

Subject to its objections, GE refers to and incorporates by reference its response to question No. 31.

Further, GE it is not aware of any agreement or contract that could currently indemnify it against liability, if any, relating to releases or threatened releases of hazardous substances at or from the Facility. GE has found, and has attached to this Response, a copy of a Certificate of Insurance from July 1982 covering the San German Facility and other facilities in Puerto Rico. In addition, GE has found and attached to this Response a copy of a demonstration of financial responsibility for hazardous waste management facilities in Puerto Rico, submitted by GE to EPA in March 1984.

- 31. State whether any claim or claims have been made by the Company to any insurance company for any loss or damage related to operation at the Site, and if so, identify each claim by stating the name of the claimant, the name and address of the insurance company, the policy number, the named insured on the policy, claim number, date of claim, amount of claim, the specific loss or damage claimed, the current status of the claim, and the amount, date, and recipient of any payment made on the claim.**

GE objects to this question as vague and confusing to the extent it uses the phrase “operation at the Site” because the Company did not operate at the Site, in contrast to the Facility. Subject to and without waiving any of its objections, GE responds as follows:

GE gave notice regarding the Facility along with all of its known, potential and/or possible sites for which it might have environmental exposure in the 1980s-1990s. GE’s environmental insurance claims resolved either by settlement or dismissals by 2010. All potentially available policies are released or exhausted. Because the costs at San German



were immaterial at the time of these resolutions, the Facility was omitted from GE's active claims and GE received no payments related to the San German location.

- 32. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.**

GE specifically objects to this question as overbroad and unduly burdensome because the subject matter of this Request concerns matters that occurred at a Facility that was closed almost three years ago after having operated for almost half a century, thus making the task of identifying persons who may be able to provide a more detailed or complete response or documents effectively impossible. Subject to and without waiving any of its objections, GE is not currently aware of any such persons except as discussed in the Preliminary Statement. By way of further response, GE refers to and incorporates herein its responses to question Nos. 24 and 26.

- 33. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether this person has personal knowledge of the information in the answers provided.**

GE specifically objects to this question as overbroad and unduly burdensome because the subject matter of this Request concerns matters that occurred at a Facility that was closed almost three years ago and had operated for almost half a century before that, and therefore, GE's efforts to respond to the Request required consulting multiple persons, including counsel, legal assistants, current employees, and to the extent possible, former employees. Subject to and without waiving any of its objections, GE responds that GE's legal counsel prepared this Response, including Monique Mooney, Executive Counsel, Global Operations, EHS, with the assistance of outside counsel from the law firm of Manko, Gold, Katcher & Fox LLP. The following individuals, among others, were also consulted in the preparation of this Response to the Request:

- Dawn Varacchi-Ives, EHS Legacy Site Project Manager, GE Corporate
- Jeff Sommer, Supply Chain General Manager, GE Power, and formerly a business operations leader involved with Puerto Rico operations
- Jonathan Goodman, Executive Counsel - Insurance, GE Corporate
- Bonnie Harrington, Executive Counsel, GE Gas Power
- Angelica Todd, Paralegal, GE Corporate



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- Maria Eskew, Lead Licensing Analyst, GE Global Operations
- Hiriana Arroyo, Site Leader – Puerto Rico, GE Global Operations

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Monique M. Mooney'.

Monique M. Mooney, Esq.
GE Global Operations

Attachments

cc: Brenda H. Gotanda, Esq. (via email)
Kathleen B. Campbell, Esq. (via email)

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State/Commonwealth of Pennsylvania

County/Municipality of Montgomery

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

Monique Mooney

NAME (print or type)

Executive Counsel, GE Global Operations

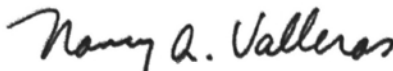
TITLE (print or type)



SIGNATURE

Sworn to before me this

13th day of April 2020.



Notary Public

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
NANCY A. VALLERAS, Notary Public
Lower Merion Twp., Montgomery County
My Commission Expires September 2, 2020